

**OPINION
79-76**

January 19, 1979 (OPINION)

Honorable Wayne G. Sanstead
Lieutenant Governor
Office of the Lieutenant Governor
State Capitol
Bismarck, North Dakota 58505

Dear Lieutenant Governor Sanstead:

This is in response to your letter of January 8, 1979, wherein you state that you have been asked by several legislators to seek an Attorney General's opinion regarding the following question:

When a school district crosses the boundaries of one or more counties or townships, the question is: Which governmental entity has prime responsibility for the maintenance and snow removal of the roads for school bus travel? Specifically, should it be the responsibility of the county, township or the school district?

From the question that has been presented, we believe it to be premised upon an assumption that a distinction exists in the law between those governmental entities charged with the care of public roads and highways for the purposes of school bus travel, and those governmental entities charged with the same care for the purposes of all other vehicles.

It is considered that no such distinction exists in the law. The respective boards of county commissioners charged with the care and keeping of the county roads under the provisions of North Dakota Century Code Chapter 24-05 are charged with the maintenance of that system for the use of all vehicles, including school buses. The same is true of the duty of the various boards of township supervisors with respect to township roads under North Dakota Century Code Chapter 24-06. The public school board of this state have been given no authority to maintain any road system, even for the purposes of school bus travel. See, North Dakota Century Code Section 15-29-08.

It is hoped that the foregoing will be of assistance.

Sincerely,

ALLEN I. OLSON

Attorney General